



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) First and Final Account and Report of Successor Administrator and (2) Petition  
 for Allowance of Ordinary and Extraordinary Commissions and Fees and (3) for  
 Distribution [Prob. C. 9202; 10800; 10810; 10951; 11600]

<b>DOD: 6/25/2009</b>		<b>PUBLIC ADMINISTRATOR</b> , Successor Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Former Administrator Kevin Johnson filed several pleadings using a fee waiver. Filing fees are considered costs of administration and must be paid prior to distribution of assets. <b>Therefore the estate owes \$1,225.00 in filing fees</b> for the filing of a Petition for Final Distribution on 1/18/2012 (\$395.00), Petition for Sale of Real Property filed on 1/18/2012 (\$395.00) and an Objection to Attorney Fees filed on 10/4/2012 (\$435.00)  2. Disbursement schedule indicates attorney Joanne Sanoian was paid \$8,475.00 in court ordered extraordinary fees. However, Court order filed on 12/7/12 awarded Ms. Sanoian \$5,777.50 in attorney fees. A difference of \$2,697.50.
		Accounting: 10/5/2012 – 3/14/2013	
<b>Cont. from</b>		Accounting - <b>\$45,000.00</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$45,000.00</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$18,235.17</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Administrator - <b>\$1,800.00</b> (statutory, \$900 to Kevin Johnson and \$900 to the Public Administrator)	
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Administrator x/o - <b>\$1,000.00</b> (per Local Rule for sale of real property)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Attorney - <b>\$1,800.00</b> (statutory)	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input checked="" type="checkbox"/>	<b>Sp.Ntc.</b>	Bond - <b>\$56.25</b> (o.k.)	
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>	Court fees - <b>\$25.50</b> (certified copies)	
<input type="checkbox"/>	<b>Letters</b>	<b>Distribution, pursuant to intestate succession, is to:</b>	
<input type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>	Kevin Johnson - <b>\$6,559.21</b>	
<input type="checkbox"/>	<b>CI Report</b>	Phyllis Williams - <b>\$6,559.21</b>	
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 5/6/2013</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 1 – McCray</b>

**2 Naomi Park Beyer (Estate)**

Case No. 10CEPR00720

Atty Kruthers, Heather H (for Petitioner/Public Administrator/Successor Administrator)

(1) First and Final Account and Report of Successor Administrator and (2) Petition for Allowance of Ordinary Commissions and Fees and (3) for Distribution [Prob. C. 10800; 10810; 10951; 11600]

<b>DOD: 7/11/2010</b>			<b>PUBLIC ADMINISTRATOR</b> , Successor Administrator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			Account period: 8/15/2012 – 3/21/2013	
<b>Cont. from</b>				
	<b>Aff.Sub.Wit.</b>		Accounting - <b>\$178,473.00</b>	
✓	<b>Verified</b>		Beginning POH - <b>\$178,473.00</b>	
✓	<b>Inventory</b>		Ending POH - <b>\$ 90,000.00</b>	
✓	<b>PTC</b>		Administrator (less than statutory) - <b>\$3,000.00</b>	
✓	<b>Not.Cred.</b>		Attorney (less than statutory) - <b>\$3,000.00</b>	
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>	W/	Bond - <b>\$131.25</b> (o.k.)	
	<b>Aff.Pub.</b>		Court fees - <b>\$25.50</b>	
	<b>Sp.Ntc.</b>		(certified copies)	
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>		<b>Distribution, pursuant to intestate succession, is to:</b>	
✓	<b>Letters</b>	9/15/10	Jonathan Beyer - Real property	
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
✓	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
✓	<b>FTB Notice</b>			
				<b>Reviewed by: KT</b>
				<b>Reviewed on: 5/6/2013</b>
				<b>Updates:</b>
				<b>Recommendation: SUBMITTED</b>
				<b>File 2 – Beyer</b>

**3 Ricardo Garza Barrientos (CONS/P)**  
**Atty Barrientos, Isabel (Pro Per – Daughter – Petitioner)**  
**Atty Walters, Jennifer L. (Court-appointed for Conservatee)**

**Case No. 12CEPR00670**

**Petition for Appointment of Probate Conservator of the Person and Estate**  
**(Prob. C. 1820, 1821, 2680-2682)**

<b>Age: 68</b>		<b>TEMPORARY EXPIRED TO 4-18-13</b> <b>(not extended at hearing)</b>	<b>NEEDS/PROBLEMS/</b> <b>COMMENTS:</b>
<b>Cont. from 090612, 101812, 111512, 121312, 011713, 041813</b>		<b>ISABEL BARRIENTOS</b> , daughter, is Petitioner and requests appointment as Conservator of the Person and Estate with medical consent and dementia medication and placement powers.	<u><b>Court Investigator advised rights on 8-21-12.</b></u>
	<b>Aff.Sub.Wit.</b>	<i>[Note: Per Minute Order 10-12-12, Estate request is dismissed.]</i>	<u><b>Continued from 9-6-12, 10-18-12, 11-15-12, 12-13-12, 1-17-13, 4-18-13.</b></u>
✓	<b>Verified</b>	<b>VOTING RIGHTS <u>NOT</u> AFFECTED</b>	<b>Note:</b> The temp order also authorized Petitioner to move the Conservatee's residence to reside with Petitioner.
	<b>Inventory</b>		<b>Note:</b> Examiner notes that the Petitioner also checked boxes for additional powers under Probate Code §§ 2590, 2351-2358, limited conservatorship, and dementia powers.
	<b>PTC</b>		<u><b>Note: If this petition goes forward, the following issues exist:</b></u>
	<b>Not.Cred.</b>		1. Need Capacity Declaration (GC-335) with Dementia Attachment (GC-335A) for consideration of medical consent and dementia medication and placement powers.
✓	<b>Notice of Hrg</b>	<b>Need Capacity Declaration.</b>	<i>Note: Petitioner attached a physician's statement to her Confidential Supplemental Information form; however, the Capacity Declaration is a mandatory Judicial Council form that is necessary for the Court to make the findings required to grant medical consent and dementia powers. See GC-335 and Probate Code §§ 1881, 2356.5.</i>
✓	<b>Aff.Mail</b>	<b>Petitioner states:</b> Petition is blank. No facts are provided.	2. Need Citation (GC-322).
	<b>Aff.Pub.</b>	<b>Court Investigator Charlotte Bien filed a report on 8-27-12 and a supplemental report was filed 4-24-13.</b>	3. Need proof of personal service of Citation with a copy of the Petition at least 15 days prior to the hearing pursuant to Probate Code § 1824 on Mr. Barrientos.
	<b>Sp.Ntc.</b>		4. Need Video Receipt (Local Rule 7.15.8.)
	<b>Pers.Serv.</b>		<b>Reviewed by:</b> skc
✓	<b>Conf. Screen</b>		<b>Reviewed on:</b> 5-3-13
✓	<b>Letters</b>		<b>Updates:</b>
✓	<b>Duties/Supp</b>		<b>Recommendation:</b>
	<b>Objections</b>		<b>File 3 - Barrientos</b>
	<b>Video Receipt</b>		
✓	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

**Marie Lee 2004 Revocable Trust**

Walters, Jennifer L. (for Mary Kristine Engstrom – Petitioner)

Matsumoto, Russell (for Successor Co-Trustees Blayne Robin Sanders and Sherry Ann Sanders)

**Petition of Compel Trustee to Account to the Beneficiaries and Directing  
Distribution and Termination of the Trust**

Case No. 13CEPR00045

<b>DOD: 10-3-11</b>		<p><b>MARY KRISTINE ENGSTROM</b>, Beneficiary of the <b>MARY LEE 2004 REVOCABLE TRUST</b>, as restated and superseded by First Agreement Restating Agreement of Trust dated 3-22-11 (the Trust), is Petitioner.</p> <p>Petitioner states that based on her reading of the trust and her knowledge of the provisions in the instrument, the assets included in the Trust included a parcel of real property held by the decedent located at 528 E. Mariposa St., in Avenal, and Chevron/Texaco Stock.</p> <p>Petitioner states she has requested repeatedly for an accounting pursuant to Section 4.6 of the trust. She has been promised by the Trustees and their attorney that it would be conducted shortly, but that was several months ago. It does not appear the issue will be rectified without Court intervention.</p> <p>Petitioner states pursuant to the terms of the trust (Page 29, Section 7.6) it is set forth that the Trustee following a reasonable postponement of distribution shall divide the Chevron/Texaco Stock and pursuant to Section 7.7 distribute the remaining trust estate to Petitioner.</p> <p>Decedent's death was approximately 16 months ago and there has been no distribution of the remaining assets. When Petitioner requested distribution, the Trustee's attorney, The Law Offices of Frame &amp; Matsumoto, indicate they will account and distribute, but no additional documentation or actions have commenced.</p> <p><b>Petitioner requests the Court grant relief and enter an Order that:</b></p> <ol style="list-style-type: none"> <li>1. Marie Helen Lee established the Trust on or about 10-14-04 and superseded by first agreement restating agreement of trust dated 3-22-11;</li> <li>2. The Trust was established for a lawful purpose;</li> <li>3. The Trustees named by the Trustor are <b>BLAYNE ROBIN SANDERS and SHERRY ANN SANDERS</b>;</li> <li>4. The beneficiaries of the Trust are and were ascertainable according to adequate and competent evidence as Mary Laurel Engstrom, Robert Dean Engstrom, Mary Kristine Engstrom, Blayne Robin Sanders, and Sherry Ann Sanders;</li> <li>5. It was the intent of the Settlor that the Chevron/Texaco Stock be divided by the above named beneficiaries and the residue is to be distributed to Petitioner;</li> <li>6. An Accounting is to be provided to the beneficiaries for the period of 10-3-11 to present;</li> <li>7. Distribution of the remaining Trust estate is to occur and the Trust is terminated; and</li> <li>8. For all other proper relief as the Court deems proper under the circumstances.</li> </ol> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><u>Minute Order 3-6-13:</u> Mr. Matsumoto is appearing via conference call. Ms. Walters requests a continuance. Matter continued to 5-8-13.</p> <p>See Additional Pages re Objections and Examiner Notes.</p>	
<b>Cont. from 030613</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>			W
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input checked="" type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCC/JEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

Reviewed by: skc

Reviewed on: 5-3-13

Updates:

Recommendation:

File 4 - Lee

**Trustees' Objection filed 3-4-13 states** the petition falsely and deceptively seeks venue in Fresno County and wrongfully alleges that the location of the real property subject to the trust, and that the residence of the Settlor and Trustees are in Fresno County. The Settlor resided at 528 Mariposa Avenue in Avenal, Kings County, CA, as referenced the death certificate attached to the Affidavit of Death of Trustee and Certification by Successor Trustees recorded in Kings County, describing the only real property of the trust estate as being situated in Kings County. The Trustees reside at 529 Monterey Avenue, Avenal, Kings County, CA, which is the address given to the petitioner in the Notice of Administration pursuant to § 16061.7 (attached).

Probate Code § 17005 provides unequivocally that the proper venue for trust proceedings is the county where the principal place of administration of the trust is located. The Trustees do not waive proper venue in this proceeding and notwithstanding the Trustees' willingness to voluntarily report upon the administration of the Trust, respectfully requests that the Petition be dismissed without prejudice for filing in the proper venue.

The trustees states that on 5-20-12, the trustees notified all beneficiaries that because of the limited nature of assets subject to administration, that to expedite conclusion of the process, a waiver of accounting would permit a prompt distribution. All beneficiaries, including Petitioner, confirmed their agreement and preparedness to waive account. Attached is a copy of Petitioner's email reply waiver.

On 8-13-12, the trustees caused a formal waiver of account and proposed preliminary distribution of all the Chevron-Texaco Stock (to be divided equally among five beneficiaries) to be mailed, providing that upon return of waiver, the distribution would be made. Petitioner's acknowledgment of receipt is attached. The balance of the trust estate consists only of the Settlor's residence and personal property.

By letter dated 8-27-12, Petitioner requested accounting by letter. The trustees agreed and have been proceeding with the prerequisites of doing so, including inventory of personal property, obtaining a probate referee's appraisal for the real property, stock, and personal property (attached), and establishing a liquidity date for the stock, and ordering an in-kind distribution of shares to the beneficiaries. The administration of the Trust is nearly in a condition to be brought to a close. It should be noted that § 7.2 of the trust agreement authorizes the trustee to postpone division for any reasonable period. Because there was no cash included in the trust estate, the trustees will need to determine and provide for the payment of expenses of administration, including attorneys' and accountants' fees, and reimburse payments advanced for costs of administration. Thereupon, the trustees will cause the preparation of a first and final account, and upon its acceptance, distribute and wind up the trust.

**Trustees request the Court dismiss the petition without prejudice to presentation to a court with proper venue. An order is provided.**

**SEE ADDITIONAL PAGES**

## Page 3

**Attorney Walters' Status Report filed 5-6-13 states** no conversations or discussions have taken place. Her office has tried on several occasions to speak with Mr. Matsumoto, set up a phone appointment or meeting, but none of these requests have been confirmed. The matter is in the same position it was at the previous hearing. No accounting or other documents have been received.

**Declaration of Russell Matsumoto filed 5-6-13 states** the trustees, who are also beneficiaries, obtained a CPA to prepare account and to reduce concerns of possible conflict of interest due to their dual capacities as trustees and beneficiaries. On 5-3-13, the trustees served a copy of accounts on all beneficiaries (Exhibits A and B).

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**NEEDS/PROBLEMS/COMMENTS****1. Need clarification re Fresno as proper venue pursuant to Probate Code 17005:**

Petitioner states venue is proper in this county as the principals reside in Fresno County, it is the location of the real property, and the residence of the trustor and trustee.

However, the co-trustees' address is in Avenal, which is **Kings County**, and the real property referenced is also in Avenal. Only the Law Offices of Frame & Matsumoto, who Petitioner alleges are the Trustees' attorneys, are in Coalinga, which is Fresno County.

**If this matter goes forward in Fresno Superior Court the following issues also exist:****2. Probate Code §17201 requires a petition under this section to state the names and addresses of each person entitled to notice, which pursuant to Probate Code §17203, includes all trustee, beneficiaries, and any other person whose interest would be affected.**

The petition states the names of the trust beneficiaries, but does not make a statement that these are all of the parties *entitled to notice*, and does not provide addresses.

If this matter goes forward in Fresno Superior Court, the Court may require verified declaration with this information.

**3. Need clarification regarding Petitioner's request for information with reference to Probate Code §17200(b)(7)(B).**

Petitioner states on Page 3, Paragraph 7, that she has "requested repeatedly for an accounting." However, does not provide the specifics of the requests (i.e., verbal, written, etc.).

Probate Code § 17200(b)(7)(B) states: Proceedings concerning the internal affairs of a trust include ... (7) Compelling the trustee to ... provide information about the trust under Section 16061 if the trustee has failed to provide the requested information **within 60 days after the beneficiary's reasonable written request**, and the beneficiary has not received the requested information from the trustee within the six months preceding the request.

If reasonable written request was not previously made pursuant to this section, then this petition may not be appropriate at this time.

**4. Need order.**

Atty Kelly, Darlene Azevedo (of Caswell Bell &amp; Hillison, LLP, for Co-Trustees)

Atty Agrall, Tracy A. (sole practitioner, for Gail Burson – Objector)

## Second Account and Report of Co-Trustees, and Petition for Its Settlement [PC 17200(b)(5) and (9)]

Margaret Mitchell DOD: 9-17-09		SUSAN MITCHELL and ROBERT SMITTCAMP, Co-Trustees, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
William Mitchell DOD: 4-27-11			
		Account period: 10-1-11 through 10-31-12	Note: See objections.
Cont. from 041513		Accounting: \$ 518,833.66 Beginning POH: \$ 509,320.37 (cash plus note receivable) Ending POH: \$ 55,754.40 (cash plus mineral interests in Nevada County of nominal value)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Petitioners state on or about October 2011, the Co-Trustees provided a first accounting to the beneficiaries for the period 4-28-11 through 9-30-11, together with a proposed distribution. All beneficiaries consented to distribution and there are no issues pending regarding that account.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Distributions during this account period consisted of cash and note payable to each beneficiary.	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Petitioners pray for an order:	
<input checked="" type="checkbox"/>	Aff.Mail w		
<input type="checkbox"/>	Aff.Pub.	1. Settling, allowing, and approving the Account; 2. Ratifying, confirming and approving all acts and transactions of the Co-Trustees relating to matters reflected in the Account, and 3. For such other and further order or orders as the Court may deem appropriate.	
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.	Objections were filed 5-2-13 by Gail Burson.	
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters	SEE PAGE 2	
<input type="checkbox"/>	Duties/Supp		
<input checked="" type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report	Reviewed by: skc	
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	Reviewed on: 5-3-13	
<input type="checkbox"/>	Aff. Posting	Updates:	
<input type="checkbox"/>	Status Rpt	Recommendation:	
<input type="checkbox"/>	UCCJEA	File 5 - Mitchell	
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		



## Page 2

**Objections to Approval of Second Account and Report of Co-Trustees filed 5-2-13 by Gail Burson states:**

- The petition fails to disclose the existence of mineral interests.
- The petition alleges fees paid for services were charged one-half to income and one-half to principal when the account shows certain charges are allocated entirely to principal.
- The petition is inconsistent with the Special-Purpose Financial Statements and Supplemental Schedules Complied 10-1-11 to 4-30-12. Objector states the accountant's report provided in July 2012 (the "April Accounting") addresses a portion of the time period in the report currently before the Court. For whatever reason, rather than seeking approval of the April Accounting, an entirely new version is created and presented for approval here that contains material changes.

Specifically, the April Accounting shows disbursements of \$17,000 to each beneficiary. Here, these disbursements are gone, with no explanation. Also, fees paid for services rendered by accountants and attorneys are treated differently.

Objector had been waiting for what was represented to be the "final accounting" for months. An email from trustees indicated that final distributions were expected in May. Objector received answers and requested information to address her concerns for all items except the amount of attorney fees expended.

Objector states the final distributions are now held back with no indication when this matter will be wrapped up. Objector requests the Court set a date for closure of this trust and final disbursement.

- The amount of attorney's fees has not been validated. Objector states the attorney fees since the previous accounting were significantly higher in the April Accounting than in the first accounting. Because the attorneys were also defending one of the co-trustees in a separate litigation matter brought by Objector, it was important to insure that the Trust was not paying for the defense of an individual. The attorney refused to provide records, claiming attorney client privilege. Objector suggested a third party neutral review the entries to determine if they were properly chargeable to the Trust. Objector received no response. Rather, this action of approval of a different accounting was filed four months later.

**Objector requests that this Second Account be amended to show the mineral interest as an asset of the trust, an explanation of the allocation of fees and why disbursements are being withheld. Objector renews her request for an examination of the attorney fee records to make sure they are proper charges to the trust, and requests that the Court set a date for a final distribution of assets and closure of the trust.**

***Note: No order on the Objections was submitted.***

Atty Sanoian, Joanne (for Collin Bryant – Petitioner – Son)

Atty Fanucchi, Edward L. (Court Appointed for Conservatee)

Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820,  
1821, 2680-2682)

Age: 77 DOB: 09/06/1935		<b><u>NO TEMPORARY ORDERS</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		COLLIN BRYANT, son, is petitioner and requests appointment as Conservator of the person, with medical consent and dementia powers.		Court Investigator Advised Rights on 03/19/2013.	
		Declaration of Patrick A. Golden, M.D.		Voting Rights Affected Need Minute Order	
Cont. from 041813		Voting Rights Affected.		Minute Order of 04/18/2013: The Court directs counsel to cure the defects noted in the examiner notes.	
	Aff.Sub.Wit.		<p><b>Petitioner states:</b> the proposed conservatee has been diagnosed with dementia and has active visual and auditory hallucinations. She has wandered from her residence and other places and has been taken to the hospital. She has been found yelling and knocking on doors in her neighborhood. Mrs. Bryant has a "friend" by the name of John Gormly, who apparently visits regularly. The extent of his involvement with her day to day activities is unknown. Petitioner is fearful that his mother may be exposed to dangerous circumstances given her dementia and impaired cognitive functioning. Petitioner states that it may be necessary at some time in the future to move Mrs. Bryant into a secure facility for her protection and well-being.</p> <p><b>Court Investigator Julie Negrete's Report filed 04/11/2013.</b></p>	<p>The following issues still remain:</p> <ol style="list-style-type: none"> <li>1. Need video receipt for each conservator pursuant to Local Rule 7.158(A).</li> <li>2. The Capacity Declaration signed by Dr. Patrick A. Golden was not dated.</li> <li>3. #4a of the Capacity Declaration not answered as to when Dr. Golden last saw the proposed conservatee.</li> </ol>	
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	w/			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt	x			
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
			Reviewed by: LV		
			Reviewed on: 05/07/2013		
			Updates:		
			Recommendation:		
			File 6 - Bryant		

Atty Walters, Jennifer L. (for Petitioner Eileen Sutterfield)

Atty Burnside, Leigh (for Respondent/Cross Petitioner Ronald Gray)

Petition to Compel Agent to Act (Prob. C. 4000, eq)

			<b>EILEEN SUTTERFIELD</b> , child and co-agent pursuant to the Durable Power of Attorney, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need proof of service of the Notice of Hearing on Principal, Lois Gray. Probate Code §4544.  2. Need Order  <b>For Respondent Ronald Gray:</b>  1. Response and Cross Petition was filed in one pleading. The pleadings should have been filed separately which would have required two separate filing fees. Therefore a filing fee of \$435.00 is now due for the Cross Petition.  2. Cross Petition was filed with the Response. It should have been filed separately and been given its own hearing date. The Cross Petition requires a noticed hearing.  3. Need Notice of Hearing to be served, 15 days prior to the hearing, on all interested parties.  4. Need order on Cross Petition.				
			<b>Petitioner states</b> this matter concerns the co-agent, Ronald Gray, lack of cooperation in regard to the Power of Attorney and therefore detrimentally affecting the Settlor's property, assets and intent behind drafting the documents.					
<b>Cont. from</b>								
	<b>Aff.Sub.Wit.</b>							
✓	<b>Verified</b>							
	<b>Inventory</b>							
	<b>PTC</b>							
	<b>Not.Cred.</b>							
✓	<b>Notice of Hrg</b>							
✓	<b>Aff.Mail</b>	W/						
	<b>Aff.Pub.</b>							
	<b>Sp.Ntc.</b>							
	<b>Pers.Serv.</b>							
	<b>Conf. Screen</b>							
	<b>Letters</b>							
	<b>Duties/Supp</b>							
✓	<b>Objections</b>							
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	<b>Citation</b>							
	<b>FTB Notice</b>							
<p>Petitioner alleges Lois Gray, on or about 4/8/2009, executed The Durable Power of Attorney for Management of Property and Personal Matters. Petitioner states she is aware of the terms of the POS. Based on her firsthand knowledge and having read the POS, the Petitioner contends that she and her Co-Agent were designated to pay all necessary debts including the power to sell ownership of the property.</p> <p>Lois Gray is currently residing at Cottonwood Retirement facility. The Settlor recently suffered from a stroke and is now diagnosed with dementia. The cost of living at Cottonwood is approximately \$4,720 each month with additional medical incidental costs of \$1,250.00.</p> <p>Petitioner contends that pursuant to Section 2.A.(1) the Co-Agents are capable of taking any action necessary regarding the Settlor's real and personal property. This would include the Settlor's mobile home she is no longer residing in and will not be able to reside in at any future date. To keep the vacant mobile home costs the Settlor approximately \$700.00 per month for rental of the land within a complex and insurance.</p> <p style="text-align: center;"><b>Please see additional page</b></p>								
<table border="1"> <tr> <td><b>Reviewed by: KT</b></td> </tr> <tr> <td><b>Reviewed on: 5/6/13</b></td> </tr> <tr> <td><b>Updates:</b></td> </tr> <tr> <td><b>Recommendation:</b></td> </tr> <tr> <td><b>File 7 – Gray</b></td> </tr> </table>				<b>Reviewed by: KT</b>	<b>Reviewed on: 5/6/13</b>	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 7 – Gray</b>
<b>Reviewed by: KT</b>								
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<b>Updates:</b>								
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<b>File 7 – Gray</b>								

Petitioner states she has requested of the Co-Agent, Ronald Gray, on several occasions to agree to sell the mobile home owned by the Settlor to allow for additional funds to be provided to the assisted living facility. Ronald Gray refuses to participate in the sale unless the funds are provided to a joint trust account. A trust account is not necessary as the proceeds of the sale can be directly provided to Cottonwood for the monthly expenses.

**Petitioner requests the Court enter an order that:**

1. Lois Gray established the Lois Gray Durable Power of Attorney, on or about April 8, 2009;
2. The Co-Agents named by the Settlor are Eileen Sutterfield and Ronald Gray;
3. Co-Agent Ronald Gray be ordered to participate in the facilitation of the sale of the mobile home owned by the Settlor;
4. For all other relief as the Court deems proper under the circumstances.

**Respondent Ronald Gray's Response to Petition to Compel Agent to Act; Cross Petition to Compel Co-Agent to Account and Report filed on 5/2/13.** Respondent admits some of the allegations in the petition and denies other allegations in the petition.

Wherefore, Respondent respectfully requests an order:

1. Dismissing the Petition with prejudice;
2. For costs incurred herein;
3. For any and all other relief the Court deems just and proper.

**Cross Petition to Compel Co-Agent to Account and Report.**

Cross Petitioner, Ronald Gray, alleges:

On 4/8/2009 Lois Gray executed a Durable Power of Attorney for Management of Property and Personal Affairs (DPOA) appointing her children, Ronald Gray (Mr. Gray) and Eileen Sutterfield (Ms. Sutterfield) as her co-agents.

In conjunction with the DPOA, Lois Gray also executed the Lois Gray Living Trust (the Trust).

The Trust estate consists of two parcels of real property and a mobile home, none of which has substantial value. The Trust has no liquid assets, but Mr. Gray is informed and believes that Lois Gray has one or more bank accounts at Chase Bank held in her name individually, from which her living expenses have been, and are being paid. Mr. Gray is further informed that Ms. Sutterfield is named as a co-owner of said account(s) solely for the purpose of facilitating the payments of Lois Gray's bills and expenses. Ms. Sutterfield has not provided Mr. Gray with copies of the monthly statements of a Chase Bank checking account belonging to Lois Gray since approximately November 2012, despite repeated requests.

**Please see additional page**

Recently, Ms. Sutterfield began demanding that Mr. Gray assist her in selling the mobile home to pay for Lois Gary's board and care at the assisted living facility. She also stopped providing Mr. Gray with copies of the monthly bank statements. Ms. Sutterfield has also refused Mr. Gray's request to meet to resolve the matter of how best to take care of their mother's finances. Mr. Gray suggested, for example, that he and Ms. Sutterfield establish a bank account in their capacity as co-trustees of the trust to hold all funds for the benefit of their mother. Ms. Sutterfield, however, has refused to do so and continues to refuse to provide information regarding the status of their mother's funds, which funds are now under the exclusive control of Ms. Sutterfield.

For the foregoing reasons, Mr. Gray request that the Court order Ms. Sutterfield to account and report regarding the joint bank account at Chase Bank that she shares with Lois Gray, as well as any toher account she owns with Lois Gray, for the period commencing August 1, 2012 through April 30, 2013.

**Wherefore, Petitioner prays for an Order:**

1. That Ms. Sutterfield account and report for the funds contained in all accounts that she owns with Lois Gray for the period commencing August 1, 2012 through April 30, 2013.
2. That Cross-Petitioner be awarded his costs incurred herein, and;
3. That the Court order any and all other relief it deems just and proper.

Atty Keeler, William J.; of Garvey Schubert Barer, Portland OR (for Petitioner Margaret Friesen)

Atty Meyer, Kent; Yee, Michael; of Meyer & Yee, Roseville (for Respondent Gregory Friesen)

**Petition to Construe Trust Provisions**

<b>Mary Lou DOD:</b> <b>8/17/2007</b>		<b>MARGARET FRIESEN</b> , spouse of Leroy J. Friesen and named Trust Beneficiary, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Proposed order identifies the <i>Petition</i> as a Petition to Construe Trust Provisions and a "Petition for (1) Order to Recover Property; (2) Breach of Trust; (3) Breach of Fiduciary Duty;" however, these allegations are not specified in the <i>Petition</i> . Additionally, the proposed order specifies the real property address in Morro Bay which is not contained in the <i>Petition</i> nor any of the filed pleadings. <i>Petition</i> should contain and verify this information.
<b>Leroy DOD:</b> <b>12/21/2012</b>			
<b>Cont. from</b>		<b>Petitioner states:</b> <ul style="list-style-type: none"> <li>In September 1992, Leroy J. Friesen and Mary Lou Friesen created the <b>LEROY J. FRIESEN AND MARY LOU FRIESEN REVOCABLE TRUST</b>, which was amended and restated on 12/12/2007 (<i>copy attached as Exhibit A</i>);</li> <li>The Trust was amended by written amendments on 4/27/2011 and 6/11/2012 (<i>copies attached as Exhibits B and C</i>);</li> <li>Petitioner has standing to bring this petition because she is a named Beneficiary and is the surviving spouse of Leroy; additionally, this issue is ripe for adjudication as the current acting [Successor] Trustee, <b>GREGORY L. FRIESEN</b>, son of Leroy and Mary Lou, has erroneously denied Petitioner access to her community property acquired during her marriage to Leroy, her own personal property, and personal property granted to her in the Trust by Leroy; previous attempts to resolve this matter without court intervention have been unsuccessful;</li> <li>The principal place of trust administration for the Trust has been in Fresno County since its creation, as Leroy administered the Trust in Fresno County until his death; the person purporting to act as current [Successor] Trustee has failed, despite request, to give notice to the Beneficiaries pursuant to Probate Code § 16061.7 as to the address of the physical location where the principal place of administration of the Trust is located; accordingly, this Court has jurisdiction in this matter and is the proper venue for this proceeding;</li> <li>After Mary Lou's death on 8/17/2007, Leroy acted as sole Trustee until his death on 12/21/2012; Petitioner has not received any notice from the current [Successor] Trustee that any other person served as Trustee prior to Leroy's death; upon Leroy's death, Gregory became the Successor Trustee;</li> </ul> <p align="center">~Please see additional page~</p>	
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		<b>Reviewed by:</b> LEG	
		<b>Reviewed on:</b> 5/6/13	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 8 – Friesen</b>	

**Petitioner states, continued:**

- Petitioner and Leroy were married on 6/29/2008, and were married at the time of Leroy's death (copy of marriage certificate attached as Exhibit D);
- The plain language of the Trust, as amended and restated, grants all of Leroy's personal property to Petitioner as his wife [emphasis in original];
- Petitioner alleges that based on application of California law as well as I.R.C. § 60501, that the mobile home located at Morro Bay is classified as "personal property" and therefore should be distributed to her; and Petitioner requests the Court's interpretation of those provisions of the Trust confirming and ordering this distribution;
- The First Amendment dated 4/27/2011, at a time when Petitioner and Leroy were married, added Article Four and A Half : Specific Distributions and Disposition of Tangible Personal Property; Trust terms in Article Four and A Half, paragraph 1 is entitled "Distributions to Margaret A. Friesen" and states that upon Leroy's death, the **Trustee shall give all of Leroy's personal property to [Leroy's] wife** [emphasis in original] except for any personal property that is specifically granted to individuals pursuant to the paragraph "Distribution of Tangible Personal Property by Memorandum;"
- Article Four and A Half, paragraph 4 entitled "Definition of Tangible Personal Property" defines personal property as household furnishings, appliances and fixtures, works of art, motor vehicles, pictures, collectibles, personal wearing apparel and jewelry, books, sporting goods, and hobby paraphernalia; paragraph 4 states tangible personal property shall not include any property that the Trustee, in its sole and absolute discretion, determines to be part of any business or business interest by Leroy or his Trust;
- Leroy executed a "Personal Property Memorandum of Leroy J. Friesen" on 4/22/2011 in which is listed "2 Kincaid paintings" to be given to "Greg Friesen" (copy attached as Exhibit E); no other property is listed on this memorandum;
- Based upon the foregoing, Petitioner believes that the plain language of the Trust, specifically Article Four and A Half, paragraphs 1 and 4, and the existence of the "Personal Property Memorandum" provides definitive proof that the mobile home located at Morro Bay is classified as "personal property" and belongs to her;
- There is no evidence that Leroy ever designated a mobile home to another beneficiary, nor is there any evidence that the mobile home belongs to a business owned by Leroy or the Trust;
- During their marriage, both Petitioner and Leroy used the Morro Bay home, along with their Fresno County home, as residences and furnished both homes with community property purchased furniture;
- Gregory, acting as Successor Trustee, has taken the position that the mobile home is his and has refused to distribute it to Petitioner;
- In the course of this dispute between Petitioner and Gregory, Petitioner is informed and believes that the Morro Bay home has been emptied of all personal property—including her marital community property, items belonging to Petitioner, and to Petitioner's daughter and son-in-law—and that the locks have been changed; the mobile home has been partially painted a new color;
- Petitioner believes that the replacement value of the personal property "removed" [emphasis in original] without her permission is between **\$7,000.00** and **\$10,000.00**;
- Petitioner believes that Gregory, acting as Successor Trustee, is incapable of making the property distribution to her of personal property and asks that the Court intervene and order that the Successor Trustee follow the terms of the Trust;
- Petitioner also respectfully requests that the Court order Gregory to return the items removed from the mobile home.

~Please see additional page~

**Petitioner prays for an Order:**

1. Interpreting Paragraphs 1 and 4 of Article Four and a Half of the Trust to provide Petitioner with ownership of the mobile home located in Morro Bay;
2. Requiring Gregory Friesen to return the items removed from the Morro Bay mobile home to Petitioner, or to personally furnish Petitioner and her daughter and son-in-law with compensation to account for the items removed from the home; and
3. Granting attorney fees and costs pursuant to statute and/or case law.

**Response to Petition to Construe Trust Provisions filed by GREGORY L. FRIESEN, Successor Trustee, on 5/1/2013 states:**

- He respectfully objects to Petitioner Margaret Friesen's Petition to Construe Trust Provisions as follows;
- Leroy's residential address was on W. Pryor Avenue in Visalia; Leroy also owned a manufactured home located on Main Street in Morro Bay;
- In September 1992, Leroy and Mary Lou created the **LEROY J. FRIESEN AND MARY LOU FRIESEN REVOCABLE TRUST**, which was amended and restated on 12/12/2007; the Trust was amended by a written amendment on 4/27/2011;
- Upon Leroy's death, Gregory Friesen became the Successor Trustee; both parties stipulate that Gregory Friesen is the Successor Trustee of the Trust in accordance with Section 7.2 of the Trust;
- The principal place of administration of the Trust is in West Sacramento, Sacramento County, California; therefore, jurisdiction of this matter should be in Sacramento County;
- A copy of the *Notification of Trustee* is attached as *Exhibit 3*;
- **Business:** Article Four and a Half of the First Amendment entitled "Definition of Tangible Personal Property" indicates: "My tangible personal property shall not include any property that my trustee, in his sole and absolute discretion, determines to be part of any business or business interest owned by me or my trust" ("Business Interest Clause");
  - Leroy was an insurance salesman and frequently used the Morro Bay Manufactured Home for business purposes such as, but not limited to, working on business documents related to insurance sales, making business calls to clients and others for his insurance business, and holding work-related meetings in the Manufactured Home regarding his insurance sales business;
  - Leroy communicated to his son, Respondent Gregory Friesen, that he wanted to maintain possession and title of the Manufactured Home as a business investment due to the likelihood of the substantial increase in value of the Manufactured Home in the future;
  - Respondent, as Successor Trustee of the Trust, contends and determines in good faith, based on his sole and absolute discretion as Successor Trustee, and based on the facts set forth in this [Response] that the Manufactured Home was a part of Leroy's insurance sales business and general business investments, and was often used in that capacity;
  - Therefore, Respondent contends the Manufactured Home is non-transferable to Petitioner as tangible personal property via the Trust in accordance with the Business Interest Clause of the First Amendment of the Trust;

**~Please see additional page~**



**Response to Petition to Construe Trust Provisions filed 5/1/2013 by GREGORY L. FRIESEN, continued:**

- **Real Property:** Article Four and a Half of the First Amendment entitled "Definition of Tangible Personal Property" also defines tangible personal property as ..."household furnishings, appliances and fixtures, works of art, motor vehicles, pictures, collectibles, personal wearing apparel and jewelry, books, sporting goods, and hobby paraphernalia;
  - Respondent contends that because the Manufactured Home is not sufficiently similar to any of the items listed in the "Definition of Tangible Personal Property," that Leroy's intent was to have the Manufactured Home considered real property and not personal property transferable via the Trust;
  - Additionally, according to the "Definition of Tangible Personal Property," defining the Manufactured Home as real property would be in accordance with the Trust terms;
  - The Manufactured Home has been on Lot 21 on Main Street in Morro Bay for over 18 years in accordance with the "El Morro Trailer Court Rental Agreement" attached as *Exhibit 4*;
  - An earthquake resistant bracing system (*copy of the restraint system model attached as Exhibit 5*) was affixed to the Manufactured Home on 2/15/2013, which secures the Manufactured Home to the ground and prevents property destruction in the event of an earthquake;
  - Respondent contends that the 18 years the Manufactured Home has been on Lot 21, the existence of the "Rental Agreement" between Leroy Friesen and El Morro Trailer Court, and the earthquake resistant bracing system securing the Manufactured Home to the ground classifies that Manufactured Home as real property under the Trust, making the Manufactured Home non-transferable via the Trust.

**Respondent prays for an Order:**

1. Interpreting Article Four and a Half of the Trust to provide Respondent with ownership of the Manufactured Home; and
2. Granting attorney fees and costs pursuant to statute and/or case law.

**Notes for Respondent Gregory L. Friesen:**

1. *Verification* dated 4/24/2013 signed by Gregory L. Friesen refers to "*Objection to Petition to Construe Trust Provisions*" rather than to the pleading filed by Gregory L. Friesen entitled "*Response to Petition to Construe Trust Provisions*."
2. *Notification of Trustee* dated 3/28/2013 attached as *Exhibit 3* to the *Response* does not contain a proof of service showing that the notice was served on any parties interested in the Trust.

Petition for Probate of Will and for Letters Testamentary; Authorization to  
Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 02/16/13		<b>JUDY LORRAINE BIER</b> , daughter/named Executor without bond, is Petitioner.  Full IAEA – OK  Will dated 03/04/09  Residence: Selma Publication: Selma Enterprise  <u><b>Estimated Value of the Estate:</b></u> Personal property - \$187,000.00 Annual income - 1,800.00 <b>Total - \$188,800.00</b>  Probate Referee: <b>RICK SMITH</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>Note:</b></u> Status hearings will be set as follows:  • Friday, 10/11/2013 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u>  • Friday, 06/13/2014 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.  Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
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		Reviewed by: JF Reviewed on: 05/06/13 Updates: Recommendation: SUBMITTED File 9 – Pittman	

10 Robert Camarillo (CONS/P)  
 Atty Kruthers, Heather H. (for Public Guardian – Petitioner)  
 Atty Sanoian, Joanne (court appointed for Conservatee)

Case No. 13CEPR00340

Petition for Appointment of Temporary Conservatorship of the Person (Prob. C. 2250)

			<b><u>TEMPORARY GRANTED EX PARTE:</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
			<b><u>EXPIRES 05/08/13</u></b>		
			<b><u>PERMANENT HEARING 06/03/13</u></b>		
<b>Cont. from</b>			<p><b>PUBLIC GUARDIAN</b>, is Petitioner and requests appointment as Temporary Conservator of the Person.</p> <p><b>Petitioner states</b> that Mr. Camarillo is developmentally disabled, has a trusting nature and lack of discernment for his own safety. It is reported that Mr. Camarillo was abused by his father and several of his mother's boyfriends. His mother appears to neglect his needs and depends completely on his social security money for support. She has failed to seek medical attention for him in the past that resulted in a 2 day hospital stay. He also has a 53 year old boyfriend named Herardo, who appears to be asserting control over him. Given Robert's developmental disability, he is unable to care for and protect himself from harm. His mother appears to neglect him and his boyfriend does not seem to have his best interests in mind. Petitioner states that temporary conservatorship is the least restrictive option to ensure Mr. Camarillo's health and safety.</p> <p><b>Court Investigator Jennifer Young filed a report on 05/03/13.</b></p>		<p><b>Court Investigator Advised rights on 04/26/13.</b></p> <ol style="list-style-type: none"> <li>1. Need proof of personal service at least 5 court days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Temporary Conservator of the Person</i> for:             <ul style="list-style-type: none"> <li>- Robert Camarillo (proposed conservatee)</li> </ul> </li> <li>2. Need Order &amp; Letters (Temporary granted ex parte, therefore need additional order &amp; letters)</li> </ol>
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					<b>Reviewed on:</b> 05/06/13
					<b>Updates:</b>
					<b>Recommendation:</b>
					<b>File 10 – Camarillo</b>

11 **Arturo Camarillo (CONS/P)**  
 Atty Kruthers, Heather H. (for Public Guardian – Petitioner)  
 Atty Rindlisbacher, Curtis D. (Court appointed for conservatee)

Case No. 13CEPR00341

Petition for Appointment of Temporary Conservatorship of the Person (Prob. C. 2250)

Age: 28		<b>TEMPORARY GRANTED EX PARTE:</b> <b>EXPIRES 05/08/13</b>  <b>PERMANENT HEARING 06/03/13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  Court Investigator Advised rights on 04/25/13.  3. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the <i>Petition for Appointment of Temporary Conservator of the Person</i> for: - Arturo Camarillo (proposed conservatee)  4. Need Order & Letters (Temporary granted ex parte, therefore need additional order & letters)																																																																			
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<b>PUBLIC GUARDIAN</b> , is Petitioner and requests appointment as Temporary Conservator of the Person.  <b>Petitioner states</b> that Mr. Camarillo is developmentally disabled and has been receiving services for more than 8 years. It is reported that Mr. Camarillo has anger issues for which he takes medication. Mr. Camarillo currently lives in an apartment with his brother Robert and mother. His mother appears to be unable or unwilling to monitor Arturo in taking his medications. It is reported that Arturo was abused by his father and recently has been abused by several of his mother's boyfriends. He obtained a restraining order from one boyfriend. Arturo's father is expected to be released from jail at the end of April and Arturo has expressed that he wants his father to live with them. It is anticipated that if the father does return to live with him, he will again be abusive to Arturo and his brother Robert. If the father does not live with them, it is anticipated that the mother will allow her boyfriends to stay in the apartment. It is reported that Arturo fights back from the abuse but still gets injured. Petitioner states that temporary conservatorship is the least restrictive option to ensure Mr. Camarillo's health and safety.  <b>Court Investigator Jennifer Daniel filed a report on 05/02/13.</b>		<table border="1"> <tr><td><b>Reviewed by:</b> JF</td></tr> <tr><td><b>Reviewed on:</b> 05/06/13</td></tr> <tr><td><b>Updates:</b></td></tr> <tr><td><b>Recommendation:</b></td></tr> <tr><td><b>File 11 – Camarillo</b></td></tr> </table>	<b>Reviewed by:</b> JF	<b>Reviewed on:</b> 05/06/13	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 11 – Camarillo</b>																																																															
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**12A Luv Unique Vindiola (GUARD/P)****Case No. 09CEPR00853****Atty Vindiola, Martina R. (pro per Petitioner/paternal grandmother)****Atty Rico, Ruth A. (pro per Competing Petitioner/non relative)****Atty Frayo-Vidal, Theresa (pro per maternal grandmother)****Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

<b>Age: 9 years</b>		<b><u>TEMPORARY EXPIRES ON 5/8/2013</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>MARTINA VINDIOLA</b> , paternal grandmother, is petitioner.		<p><b>Note:</b> Another competing Petition was filed by the maternal grandmother, Theresa Frayo-Vidal <b>and is set for hearing on 6/5/13.</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:               <ol style="list-style-type: none"> <li>a. Jesse Vindiola (father)</li> </ol> </li> <li>3. Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:               <ol style="list-style-type: none"> <li>a. Adrian Vindiola (paternal grandfather)</li> <li>b. Randy Vidal (maternal grandfather)</li> <li>c. Theresa Frayo-Vidal (maternal grandmother)</li> </ol> </li> </ol>	
		Father: <b>JESSE VINDIOLA</b>			
		Mother: <b>CHRISTINA QUINONES</b> – deceased.			
		Paternal grandfather: Adrian Vindiola			
		Maternal grandfather: Randy Vidal			
		Maternal grandmother: Theresa Frayo Vidal.			
<b>Cont. from</b>		<b>Petitioner states</b> father is currently in Fresno County Jail charged with assault with a firearm on a person. Father left the child with a person who sells drugs and has health problems. It is in the best interest of the child to be protected.			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	<b>Verified</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Inventory</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>PTC</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Not.Cred.</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Notice of Hrg</b>	<input checked="" type="checkbox"/>			
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<input type="checkbox"/>	<b>Objections</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Video Receipt</b>	<input type="checkbox"/>			
<input checked="" type="checkbox"/>	<b>CI Report</b>	<input type="checkbox"/>			
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<input checked="" type="checkbox"/>	<b>UCCJEA</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>Citation</b>	<input type="checkbox"/>			
<input type="checkbox"/>	<b>FTB Notice</b>	<input type="checkbox"/>			
				<b>Reviewed by: KT</b>	
				<b>Reviewed on: 5/6/2013</b>	
				<b>Updates:</b>	
				<b>Recommendation:</b>	
				<b>File 12A – Vindiola</b>	

**12A**

**12B Luv Unique Vindiola (GUARD/P)****Case No. 09CEPR00853****Atty Vindiola, Martina R. (pro per Competing Petitioner/paternal grandmother)****Atty Rico, Ruth A. (pro per Petitioner/non relative)****Atty Frayo-Vidal, Theresa (pro per maternal grandmother)****Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

<b>Age: 9 years</b>		<p><b><u>TEMPORARY (granted to competing Petitioner Martina Vindiola) EXPIRES ON 5/8/2013</u></b></p> <p><b>RUTH RICO</b>, non-relative, is petitioner.</p> <p>Father: <b>JESSE VINDIOLA</b></p> <p>Mother: <b>CHRISTINA QUINONES</b> – deceased.</p> <p>Paternal grandfather: Adrian Vindiola Maternal grandfather: Randy Vidal Maternal grandmother: Theresa Frayo Vidal.</p> <p><b>Petitioner states</b> father has had full custody since 3/7/12. He has managed to provide for all her needs. Recently father was arrested and is currently in the Fresno County Jail. Petitioner states father contacted her and asked her to petition for guardianship.</p> <p><b>Copy of Notarized Letter from father dated 3/8/13</b> states he gave permission for his dearest friend Ruth Rico to care for Luv until further notice. No other person is to have her. She is not to go with Martina Vindiola or Paul Vindiola without permission of Ruth Rico.</p> <p><b>Court Investigator Jennifer Young's Report filed on 4/26/13</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Another competing Petition was filed by the maternal grandmother, Theresa Frayo-Vidal and is set for hearing on 6/5/13.</p> <ol style="list-style-type: none"> <li>Need Notice of Hearing.</li> <li>Need proof of personal service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:             <ol style="list-style-type: none"> <li>Jesse Vindiola (father)</li> </ol> </li> <li>Need proof of service of the Notice of Hearing along with a copy of the Petition or Consent and Waiver of Notice or Declaration of Due Diligence on:             <ol style="list-style-type: none"> <li>Martina Vindola (paternal grandmother)</li> <li>Adrian Vindiola (paternal grandfather)</li> <li>Randy Vidal (maternal grandfather)</li> <li>Theresa Frayo-Vidal (maternal grandmother)</li> </ol> </li> <li>Confidential Guardian Screening form – question #3 states petitioner has been charged with, arrested for or convicted of crime deemed to be a misdemeanor or felony without giving an explanation.</li> <li>Confidential Guardian Screening form – question #9 was not answered – have you, or has any other person living in your home, habitually used any illegal substances or abused alcohol.</li> </ol>	
<b>Cont. from</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
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<input checked="" type="checkbox"/>	<b>Letters</b>			
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<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input checked="" type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
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<input type="checkbox"/>	<b>Status Rpt</b>			
<input checked="" type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			
		<p><b>Reviewed by: KT</b></p> <p><b>Reviewed on: 5/6/13</b></p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 12B – Vindiola</b></p>		

**12B**

<b>Age: 13 years</b>		<b>LYNNA VASQUEZ</b> , mother, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>JENNY SUMMERS</b> , paternal grandmother, was appointed guardian on 12/15/2011.	
		Father: <b>MICHAEL LEE BROWN</b>	
<b>Cont. from</b>		Paternal grandfather – court dispensed with notice on 11/1/11. Maternal grandparents: deceased.	
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<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Petitioner states</b> she was worked really hard since 2011. Please take into consideration all her certificates including a 52 week child batters, substance abuse treatment and parenting classes.  <b>Guardian Jenny Summers' Opposition to Termination filed on 5/2/2013.</b> Ms. Summers states on 10/15/2011 she petitioned the court to be appointed temporary and permanent guardian of Mykayla. Ms. Summers request came after she found out that Mykayla had been sexually abused by her step-father, Manuel Vasquez Jr. in the presence of her mother, Lynna Vasquez. In addition Ms. Summers reported the abuse to both law enforcement and CPS. Through its own investigation, CPS removed the other children in Ms. Vasquez' care.  On October 24, 2011, Mykalya through Ms. Summers acting as her guardian ad litem, filed temporary restraining orders against both Ms. Vasquez and her stepfather based on the allegations of sexual and physical abuse along with drug use by her mother and stepfather. Upon hearing all the evidence in the case, the Court ordered a 5 year restraining order against Ms. Vasquez and Manuel Vasquez, Jr. that do not set to expire until November 7, 2016.  <b>Please see additional page</b>
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 5/6/2013</b>
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 13 – Rodriguez</b>

**Opposition continued:** The court cannot terminate a guardianship without persuasive showing of changed circumstances, which are not present in this case. Although petitioner has presented certificates of various programs the two have completed such as parenting classes, this does not, in any way demonstrate rehabilitation on the part of either parent with regards to: 1) sexually abusing Mykayla and 2) failing to protect Mykayla.

Furthermore, Petitioner also included random drug tests that were administered on her and Manuel Vasquez, Jr. Although Petitioner's drug tests came back negative, Manuel Vasquez, Jr's tests indicate two no shows, which are interpreted as positive or dirty tests.

Finally, Mykayla, through Ms. Summers, petitioned to keep Petitioner and Manuel Vasquez, Jr. away from her due to past abuse and imminent harm of future abuse. This was heard by the Court and an order restraining them from being near Mykayla has already been granted for 5 years. Ordering the guardianship terminated and placing Mykayla bak in the Petitioner's care would be contrary to the order protecting her from both Petitioner and Manuel Vasquez, Jr.

**Court Investigator, JoAnn Morris' Report filed on4/22/13**



**Petition for Appointment of Probate Conservator of the Person (Prob. C. 1820,  
1821, 2680-2682)**

<b>Age: 19</b>      <b>Cont. from 013013,  031313, 042413</b> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="width:5%;"></td><td style="width:85%;">Aff.Sub.Wit.</td><td style="width:10%;"></td></tr> <tr><td>✓</td><td>Verified</td><td></td></tr> <tr><td></td><td>Inventory</td><td></td></tr> <tr><td></td><td>PTC</td><td></td></tr> <tr><td></td><td>Not.Cred.</td><td></td></tr> <tr><td>✓</td><td>Notice of Hrg</td><td></td></tr> <tr><td></td><td>Aff.Mail</td><td>w/o</td></tr> <tr><td></td><td>Aff.Pub.</td><td></td></tr> <tr><td></td><td>Sp.Ntc.</td><td></td></tr> <tr><td></td><td>Pers.Serv.</td><td>x</td></tr> <tr><td>✓</td><td>Conf. Screen</td><td></td></tr> <tr><td>✓</td><td>Letters</td><td></td></tr> <tr><td>✓</td><td>Duties/Supp</td><td></td></tr> <tr><td></td><td>Objections</td><td></td></tr> <tr><td>✓</td><td>Video Receipt</td><td></td></tr> <tr><td>✓</td><td>CI Report</td><td></td></tr> <tr><td></td><td>9202</td><td></td></tr> <tr><td>✓</td><td>Order</td><td></td></tr> <tr><td></td><td>Aff. Posting</td><td></td></tr> <tr><td></td><td>Status Rpt</td><td></td></tr> <tr><td></td><td>UCCJEA</td><td></td></tr> <tr><td>✓</td><td>Citation</td><td></td></tr> <tr><td></td><td>FTB Notice</td><td></td></tr> </table>		Aff.Sub.Wit.		✓	Verified			Inventory			PTC			Not.Cred.		✓	Notice of Hrg			Aff.Mail	w/o		Aff.Pub.			Sp.Ntc.			Pers.Serv.	x	✓	Conf. Screen		✓	Letters		✓	Duties/Supp			Objections		✓	Video Receipt		✓	CI Report			9202		✓	Order			Aff. Posting			Status Rpt			UCCJEA		✓	Citation			FTB Notice		<p style="text-align: center;"><b><u>NO TEMPORARY REQUESTED</u></b></p> <p><b>DIANA GARDUQUE</b>, mother, is Petitioner and requests appointment as Conservator of the Person with Medical Consent powers.</p> <p>Declaration of Lydia Favor, M.D. supports request for medical consent powers.</p> <p>Voting rights affected.</p> <p><b>Petitioner states</b> that the proposed conservatee was born with a seizure disorder and developmental delays and needs constant care. Conservatorship is necessary in order to make decisions on the conservatee's behalf.</p> <p><b>Court Investigator Jennifer Young</b> filed a report on 01/22/13.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>CONTINUED FROM 04/24/13</b>  Minute order from 04/24/13 states: Examiner notes are provided to the Petitioner. The Petitioner is directed to cure the defects.</p> <p><b>Voting rights affected. Need minute order.</b></p> <p><b>Court Investigator advised rights on 01/15/13.</b></p> <p><b>As of 05/06/13, the following problems remain:</b></p> <ol style="list-style-type: none"> <li>The Petition is incomplete at item 11. The names, residence addresses, and relationships to the proposed conservatee of all second degree relatives are to be listed. <b>Note: Petitioner filed a declaration listing some relatives of Julia's; however some listed are not second degree relatives and it is unclear if all second degree relatives are listed. (Second degree relatives are: Parents, grandparents, children, grandchildren, and siblings).</b></li> <li>Need proof of <u>personal service</u> at least 15 days before the hearing of the Citation along with a Notice of Hearing and copy of the Petition for Appointment of Probate Conservator on the proposed conservatee. <b>Note: Proof of Service filed with Citation indicates that service to Julia was by mail. The proposed conservatee must be personally served pursuant to Probate Code §1824.</b></li> <li>Need proof of service by mail at least 15 days before the hearing of Notice of Hearing <u>with a copy</u> of the Petition for Appointment of Probate Conservator <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for: <ul style="list-style-type: none"> <li>All second degree relatives</li> </ul> <b>Note: Proof of service filed 05/02/13 indicates that Notice of Hearing was served without a copy of the Petition for Appointment of Probate Conservator a required pursuant to Probate Code § 1822.</b> </li> </ol> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td><b>Reviewed by:</b> JF</td></tr> <tr><td><b>Reviewed on:</b> 05/06/13</td></tr> <tr><td><b>Updates:</b></td></tr> <tr><td><b>Recommendation:</b></td></tr> <tr><td><b>File 14 - Garduque</b></td></tr> </table>	<b>Reviewed by:</b> JF	<b>Reviewed on:</b> 05/06/13	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 14 - Garduque</b>
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<b>File 14 - Garduque</b>																																																																												

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Dora, 15		<p align="center"><b><u>NO TEMPORARY IN PLACE;</u></b>  <b><u>TEMPORARY DENIED ON 03/18/13</u></b></p> <p><b>ADI BARRALES</b>, maternal aunt, is petitioner.</p> <p>Father: <b>FERNANDO GONZALEZ</b></p> <p>Mother: <b>CORAL BARRALES</b></p> <p>Paternal Grandparents: Not Listed</p> <p>Maternal Grandfather: Not Listed          Maternal Grandmother: Dora Flores</p> <p><b>Petitioner states:</b> the parents of the minor children leave them home alone for days at a time with no food or money. The children have not been attending school regularly. Petitioner alleges that the parents cause the children stress, they yell and curse at them. The police have been out on several occasions and told the petitioner she needs to seek guardianship of the children.</p> <p><b>Court Investigator JoAnn Morris filed a report on 04/25/13.</b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>If the Petition goes forward, the following items are needed:</b></p> <ol style="list-style-type: none"> <li>1. Need Notice of Hearing.</li> <li>2. Need proof of personal service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for:             <ul style="list-style-type: none"> <li>- Fernando Gonzalez (father)</li> <li>- Coral Barrales (mother)</li> <li>- Dora Gonzalez (minor)</li> <li>- Coral Gonzalez (minor)</li> <li>- Luis Gonzalez (minor)</li> </ul> </li> <li>3. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent &amp; Waiver of Notice <u>or</u> Declaration of Due Diligence for:             <ul style="list-style-type: none"> <li>- Paternal grandparents</li> <li>- Maternal grandfather</li> <li>- Dora Flores (maternal grandmother)</li> </ul> </li> <li>4. UCCJEA is incomplete. Need address information for the children during the past 5 years.</li> </ol>	
Coral, 14				
Luis, 12				
<b>Cont. from</b>				
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<input type="checkbox"/>	9202			
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<input type="checkbox"/>	Status Rpt			
✓	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

<b>Reviewed by:</b> JF
<b>Reviewed on:</b> 05/06/13
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 15 – Gonzalez</b>

**Petition for Appointment of Guardian of the Person (Prob. C. 1510)**

Michael, 2		<b>TEMPORARY EXPIRES 05/08/13</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
Elias, 4			
		<b>FRANCES JUAREZ</b> , paternal great-grandmother, is Petitioner.	<b>This Petition is for Michael only. See Page 16B for Petition for Elias.</b>
		Father: <b>MICHAEL ANGELO CHAVEZ</b> – <i>Personally served on 03/13/13</i>	1. The Petition for Appointment of Guardian of the Person is missing the Child Information Attachment (Form GC-210CA).
<b>Cont. from</b>		Mother: <b>ANGELIQUE VILLALUZ</b> – <i>Personally served on 04/11/13</i>	2. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the <i>Petition for Appointment of Guardian of the Person</i> or Consent & Waiver of Notice or Declaration of Due Diligence for:
<input type="checkbox"/>	Aff.Sub.Wit.	Paternal grandparents: NOT LISTED	- Paternal grandparents (not listed)
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Maternal grandparents: NOT LISTED	- Maternal grandparents (not listed)
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	<b>Petitioner alleges</b> Michael has lived with her since 11-10-12. The mother is homeless and uses methamphetamines. She currently has charges against her for PC §273a(b)-Child Abuse, Case No. M12912444. She does not properly care for the child, smokes meth while Michael is locked in a room with her, has no place to call home, and is currently in trouble for child abuse. Michael is safe with Petitioner and all his issues are taken care of to the best of Petitioner's ability. Petitioner states that Michael suffers from a multitude of emotional and behavioral problems. The father is currently incarcerated in the Fresno County Jail for possession of a controlled substance and there is no indication of when he will be released. Petitioner states the father is in agreement with Petitioner as guardian.	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail	<b>Court Investigator Charlotte Bien filed a report on 04/25/13.</b>	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input checked="" type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
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Michael, 2	<b>TEMPORARY EXPIRES 05/08/13</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>
Elias, 4	<p><b>MARIA SYLVIA CANO</b>, non-relative, is Petitioner.</p> <p>Father: <b>TONY LOPEZ</b> – <i>Consent &amp; Waiver of Notice filed 03/08/13</i></p> <p>Mother: <b>ANGELIQUE VILLALUZ</b> – <i>Personally served on 04/11/13</i></p> <p>Paternal grandfather: MIGUEL LOPEZ Paternal grandmother: SABINA ZAMERIPPA</p> <p>Maternal grandfather: ANTHONY FLORES Maternal grandmother: PAULINE PICASO – <i>Served by mail on 03/27/13</i></p> <p><b>Petitioner alleges</b> that both parents are addicted to meth and are not capable of providing a home for Elias. Petitioner states that she is Elias' godmother and has cared for him most of his life, however, he began living with her full time in September 2012. When in the care of his parents, he was subjected to their drug use. He was born addicted to meth and it was often smoked in his presence. When he first came to live with Petitioner full time, he was not speaking even though he was 4 years old. He now is carrying on conversations and is progressing well. Petitioner states that the father is in and out of jail and the mother currently has pending child abuse charges against her.</p> <p><b>DSS Social Worker Keith Hodge filed a report on – NEED REPORT.</b></p>		
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
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<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 05/07/13
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 16B – Chavez &amp; Flores</b>